

ESTTA Tracking number: **ESTTA410727**

Filing date: **05/24/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053884
Party	Defendant Anastasia Marie Laboratories, Inc.
Correspondence Address	ANASTASIA MARIE LABORATORIES, INC. 6520 NORTH WESTERN AVENUE, SUITE 103 OKLAHOMA CITY, OK 73116 UNITED STATES
Submission	Other Motions/Papers
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Date	05/24/2011
Attachments	92053884.pdf (3 pages)(297840 bytes)

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In co-pending Opposition No. 91188736, ABH has opposed registration of AML's mark "ANASTASIA" based on its alleged prior rights in "ANASTASIA BEVERLY HILLS" and likelihood of confusion, and AML has counterclaimed for cancellation of ABH registrations of "ANASTASIA BEVERLY HILLS" on the basis of fraud. Upon disposition of the pending motion to compel discovery in the Opposition proceeding, AML will move to amend the Answer and Counterclaims to admit that there is a likelihood of confusion as to use of the parties' respective marks for skin care and cosmetic products in class 3 and to add priority and likelihood of confusion to its counterclaims for cancellation. Depending upon the further discovery obtained, AML may also amend its counterclaims to allege abandonment. ABH will oppose AML's motion to amend the Answer and Counterclaims.

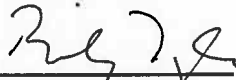
The issues in this Cancellation proceeding and in the Opposition proceeding, which has been pending since early 2009, are highly related in that they both involve the issue of which party has prior rights in "ANASTASIA" for cosmetic and skin care products, and both of the parties in the Cancellation proceeding are parties in the Opposition proceeding. Further, ABH is relying in this Cancellation proceeding on registrations which are the subject of counterclaims for cancellation in the copending Opposition proceeding.

It is therefore respectfully requested that the Board order that these proceedings be suspended pending the disposition of Opposition No. 91188736, subject to the right of either party to request resumption of proceedings, and that AML be allowed a thirty day extension of time to file an Answer and Counterclaim or otherwise plead upon resumption of proceedings.

Respectfully submitted,

STITES & HARBISON PLLC

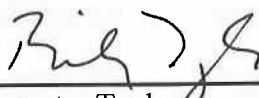
May 24, 2011


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENT MOTION FOR
SUSPENSION OF PROCEEDINGS PENDING DISPOSITION OF OPPOSITION NO.
91188736 AND FOR AN EXTENSION OF TIME UPON RESUMPTION OF PROCEEDINGS
was served on counsel for Petitioner, this 24th day of May, 2011, by sending it via e-mail to John
M. May at jmay@berlinger-ip.com.


Brewster Taylor